IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34587 of 2007(P)

AGAINST THE ORDER IN EA.1184/06 IN EP.660/04 IN OS.942/2000 of II ADDL.SUB COURT,THRISSUR

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PETITIONER:

PREMKUMAR, AGED 55 YEARS,
S/O.NADUPARAMBIL ALAKKAL KRISHNAN,
NATTIKA AMSOM AND DESOM,
CHAVAKKAD TALUK.

BY ADV. SRI.M.B.PRAJITH

RESPONDENT:

SUDHAKARAN,
S/O.MOOTHEDATH RAMANKUTTY,
ERAVAU VILLAGE AND DESOM,
THRISSUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.34587 of 2007

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Dated this the 22nd day of November, 2007.

JUDGMENT

This Writ Petition is filed seeking to set aside Ext.P6 order. It was an order passed in E.A.No.1184 of 2006 whereby the parties want to set aside the sale on the ground that the decree holder has received the entire amount. The way in which a sale can be avoided under the Civil Procedure Code is (1) under Section 47 of C.P.C. by declaring the sale void, (2) under Order 21 Rule 89 of C.P.C. whereby the amount is deposited within the stipulated time as contemplated and set aside the sale and (3) under Order 21 Rule 90 of C.P.C. by attacking the sale on the ground of irregularities or illegalities and setting aside the same. Now all the stages are over. The sale is confirmed, sale certificate issued and thereby the title of the judgment debtor is transferred in favour of another person. The only method to get back the title is by reconveyance as held by the court below.

The court below has recorded full satisfaction, but had expressed his inability to set aside the sale for the reason that it cannot be done under the provisions of law.

I do not find any irregularity or illegality and therefore the Writ Petition is dismissed.

M.N.Krishnan,
Judge.

ess 24/11